his opinion both on objective symptoms and on statements of present pains and sensations, but not on statements of past symptoms. *Williams* v. *Great Northern R. Co.,* 68 Minn. 55, 70 N. W. 860. In the following jurisdictions the statement of the past history of the case is held hearsay and inadmissible, the United States Courts, Florida, Georgia, Kansas, Kentucky, Minnesota, Mississippi, Missouri, New Hampshire, New York, North Carolina, and South Carolina. The following are typical cases. *People* v. *Murphy,* 101 N. Y. 126, 4 N. E. 326, 54 Am. Rep. 661; *Atlanta K. & N. Ry. Co.* v. *Gardner,* 122 Ga. 82, 49 S. E. 818; *Gibler* v. *Quincy, Omaha & Kansas City Ry. Co.,* 129 Mo. App. 93, 107 S. W. 1021. The authorities are practically uniform that statements made by the patient about the cause of, and the responsibility for, the injury are not admissible, unless as res gestae. *Citizens St. R. Co.* v *Stoddard,* 10 Ind. App. 278, 37 N. E. 723.

INJUNCTION—RESTRAINING A NUMBER OF ACTS OF PICKETING ON THEORY THAT THEY CONSTITUTE AN UNLAWFUL WHOLE.—The defendant company and its striking employees were enjoined from interfering in any way with the telephone service of the defendant company. One of the strikers, in an intervening petition, asserted his intention to interfere singly and in concert with others with the business of the company, in every peaceable and lawful manner possible. The intervenor and several of the other strikers were attached for violation of the injunction. Upon motions questioning the validity of the proceedings *held* that the injunction was not too broad to be valid under the CLAYTON ACT. *Stephens* v. *Ohio State Telephone Co.* (1917), 240 Fed. 750.

The CLAYTON ACT prohibits the Federal courts from granting an injunction in labor disputes against the doing of any act "which might lawfully be done in absence of such dispute by any party thereto." The court in the principal case says that there is nothing new in this statute; that it represents the view taken universally by the courts before its passage. "What constitutes peaceful picketing may be answered," says the court, "by any fair minded man if this question is asked, 'Would this be lawful if no strike existed?'" In passing on the pleadings of the intervenor, the court says that the declaration of the intention to interfere with the business in concert with others by lawful and peaceful means is practically a confession of an unlawful conspiracy. The court says: "It is a legal proposition, too firmly settled to be disregarded, that two or more persons may not combine to employ activities, in which singly they might lawfully engage, with an intent that the effect of their joint action should be the injury of another." It is submitted that this is sound. An act may be wrongful if committed by an individual, but too insignificant to be regarded as "unlawful" or punishable, while if participated in by many it would be punishable because of its serious consequences. There are a number of Federal cases in accord. *Oxley Stove Co.* v. *Cooper's International Union,* 72 Fed. 695; *Allis-Chalmers Co.* v. *Iron Moulders' Union,* 150 Fed. 155; *Tri-City Cent. Trades Council* v. *Am. Steel Foundries,* 238 Fed. 728. Also see *George Jones Glass Co.* v.

Glass Bottle Blowers' Ass'n, 72 N. J. Eq. 653, 66 Atl. 953. In a recent similar case, the Minnesota court refused to grant an injunction, giving as its principal reason the difficulty of framing a decree. *Grant Const. Co.* v. *St. Paul Bldg. Trades Council* (Minn. 1917), 161 N. W. 520. Other state cases have denied the doctrine of the principal case. *Lindsay & Co.* v. *Montana Federation of Labor*, 37 Mont. 264, 96 Pac. 127; *Meier* v. *Speek*, 96 Ark. 618, 132 S. W. 988. It is important to notice that these cases invariably involve powerful labor unions. It is possible that the divergence of the decisions can be somewhat accounted for on the ground that most State judges are elected by popular vote while Federal judges and the judges in New Jersey are appointed.

NEGLIGENCE—LIABILITY OF MANUFACTURER FOR FOREIGN SUBSTANCE IN BREAD.—Plaintiff, while masticating a piece of bread, bit into a nail which was below the surface and as a result lost two teeth. The loaf from which the slice was cut was made by the defendant and sold to a grocer from whom it was purchased by the plaintiff's sister. The defendant offered no evidence but rested at conclusion of the plaintiff's case. *Held* that the defendant is liable, in the absence of proof of the exercise of care and inspection in the manufacture of the bread, notwithstanding the lack of privity of contract between the plaintiff and defendant. *Freeman* v. *Schults Bread Company* (1917), 163 N. Y. Supp. 396.

The decision in this case is in line with the tendency of recent New York cases to extend the liability of a manufacturer who fails to exercise care in the manufacture of his goods or in inspecting them before putting them upon the market for sale. *MacPherson* v. *Buick Motor Co.*, 217 N. Y. 382, 111 N. E. 1050, Ann. Cas. 1916C 440; *Miller* v. *Steinfeld*, 160 N. Y. Supp. 800. The decision in the principal case is put squarely upon the ground that a loaf of bread is an article which it is reasonably certain will become dangerous if so negligently made as to allow foreign substances to enter into its manufacture. The earlier cases which considered the liability of a manufacturer, vendor or packer to the ultimate purchaser, as well as to persons not in privity of contract, for injuries from defects in the article sold, are collected and discussed in the note to *Tomlinson* v. *Armour & Company*, 19 L. R. A. N. S. 923. See also the note to *Mazeetti v. Armour & Company*, 48 L. R. A. N. S. 213, and the long list of cases there cited and reviewed. These earlier cases limited the application of the doctrine announced in the principal case to poisons, explosives and things of like nature which in their normal operation are implements of destruction. See *Thomas* v. *Winchester*, 6 N. Y. 397, 57 Am. Dec. 455; *Wellington* v. *Downer Kerosene Oil Company*, 104 Mass. 64; *Norton* v. *Sewall*, 106 Mass. 143, 8 Am. Rep. 298; *McCafferty* v. *Mossberg & G. Mfg. Co.*, 23 R. I. 381, 50 Atl. 651, 55 L. R. A. 822. 91 Am. St. Rep. 637; *Huset* v. *J. I. Case Threshing Machine Co.*, 120 Fed. 805, 57 C. C. A. 237, 61 L. R. A. 303. We have seen the principle extended to an automobile (*MacPherson* v. *Buick Motor Co.*, supra), to a stepladder (*Miller* v. *Steinfeld*, supra.) and now to a loaf of bread, and apparently the